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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 13, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES H.¹,

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 4:22-cv-05032-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 10, 14

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 14, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Chad Hatfield represents Plaintiff. Attorneys John Drenning and Brian M. Donovan represent Defendant.

After consideration, **IT IS HEREBY ORDERED** that:

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. See LCivR 5.2(c).

1 1. The parties' Stipulated Motion for Remand, **ECF No. 14**, is **GRANTED**.
2 2. The above-captioned case be **REVERSED** and **REMANDED** to the
3 Commissioner of Social Security for further administrative proceeding pursuant to
4 sentence four of 42 U.S.C. § 405(g).

5 The parties have stipulated to the following:

6 On remand, the Appeals Council will instruct the ALJ to:

7 • Reevaluate Dr. Mark's opinion and the severity of the claimant's
8 mental impairments in accordance with Social Security Ruling 13-2p;
9 • Obtain medical expert or vocational expert evidence as needed; and
10 • Further develop the record, offer the claimant the opportunity for a
11 new hearing and issue a new decision.

12 *See ECF No. 14 at 1-2.*

13 3. Judgment shall be entered for **PLAINTIFF**.

14 4. Plaintiff's Motion for Summary Judgment, **ECF No. 10**, is **STRICKEN**

15 **AS MOOT.**

16 5. Upon proper presentation, this Court will consider Plaintiff's application
17 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

1 The District Court Executive is directed to enter this Order, **enter**
2 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

3 DATED October 13, 2022.

4 s/Mary K. Dimke
5 MARY K. DIMKE
6 UNITED STATES MAGISTRATE JUDGE
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